

**3914. Adulteration and misbranding of beer. U. S. v. 100 Cases \* \* \* of Beer. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5017. I. S. No. 4724-e. S. No. 1681.)**

On February 3, 1913, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a District Court, a libel for the seizure and condemnation of 100 cases, more or less, each containing 24 bottles of beer, remaining unsold in the original unbroken packages, at Washington, D. C., alleging that the product had been manufactured by the Chr. Heurich Brewing Co. within the District of Columbia, and charging adulteration and misbranding in violation of the Food and Drugs Act.

The product was labeled: "Chr. Heurich Brewing Co.—Maerzen—An Exclusive Malt & Hop Brew—Washington, D. C." The labels on each of the bottles also bore representations of medals of award given at the Paris exposition containing the inscription, "For Purity and Excellence," and said labels also bore representations of shafts of barley and stems and heads of hops, and a design consisting of the letter "H" over a silver leaf.

Adulteration of the product was alleged in the libel for the reason that sugar or a cereal had been substituted wholly or in part for malt in the manufacture of said product. Misbranding was alleged for the reason that the labels on said bottles bore statements, designs, and devices regarding the article and the ingredients and substances contained therein, which statements, designs, and devices were false and misleading in that the said labels bore the statement "An Exclusive Malt & Hop Brew," and designs representing stems and heads of hops and shafts of barley, whereas, in truth and in fact, the said article was not an exclusive malt and hop brew, but was a product in which sugar or a cereal had been substituted wholly and in part for the said malt. Misbranding was alleged for the further reason that said product was labeled and branded so as to deceive and mislead the purchaser thereof, in that the labels on said bottles and each of them indicated that the contents of the bottles was an exclusive malt and hop brew, when in truth and in fact it was not an exclusive malt and hop brew, but was a product in which sugar or a cereal had been substituted wholly and in part for said malt.

On February 20, 1913, the said Chr. Heurich Brewing Co., claimant, having consented to a decree and paid the costs of the proceedings, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be redelivered and surrendered to said claimant upon the execution of a good and sufficient bond in the sum of \$500, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1915.*